

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**In re: JUUL Labs, Inc., Marketing, Sales
Practices, and Products Liability
Litigation**

This Order Relates to: *Bailey Legacki v.
JUUL Labs, Inc. et al.*, Case No. 3:20-cv-
01927

Case No. [19-md-02913-WHO](#)

**ORDER REGARDING LEGACKI
EXAMINATION**

Re: Dkt. Nos. 4358

Defendants seek to conduct a compulsory medical examination (CME) of plaintiff Bailey Legacki during the Additional Discovery Period provided under CMO No. 17. The parties engaged in significant meet and confers regarding CMEs. Apparently, they had reached agreement that CMEs would be performed during full fact and expert discovery but failed to reach agreement on the procedures that would apply. Dkt. No. 4358. Their discovery dispute letter followed.

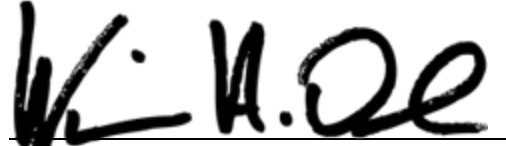
I agree with plaintiffs that CMEs are not contemplated during the Additional Discovery Period under CMO No. 17, §VIII. B. That said, CMO No. 17 allows for other discovery in the “expedited discovery period” upon a showing of “good cause.” *Id.* ¶ 49. If defendants believe they have good cause for a CME of Legacki during the expedited Additional Discovery Period, they shall submit a 2 page brief by January 13, 2025 identifying that good cause. Plaintiff Legacki may file a 2 page response within three days thereafter and the matter will be taken under submission.

As to the procedures that will apply to any CME – whether taken in the Additional Discovery Period for good cause shown or during full fact and expert discovery – I also agree with plaintiffs that state specific procedural protections for CMEs should apply. *See* Dkt. No. 4358 at 5

(discussing Florida law). At this juncture, where only a handful of opt-out personal injury cases remain in the MDL, the parties should be able to identify and follow the state law procedures that govern their state law claims. The concerns that justified Judge Corley's adoption of uniform procedures for CMEs in bellwether cases arising from different jurisdictions no longer exist.

IT IS SO ORDERED.

Dated: January 7, 2025

A handwritten signature in black ink, appearing to read "W. H. Orrick", written over a horizontal line.

William H. Orrick
United States District Judge